



Public Notice

U.S. Army Corps
of Engineers
Pittsburgh District

In Reply Refer to
Notice No. below

US Army Corps of Engineers, Pittsburgh District
1000 Liberty Avenue
Pittsburgh, PA 15222-4186

Application No. 200300907

Date: August 20, 2003

Notice No. 03-44

Closing Date: September 9, 2003

1. TO ALL WHOM IT MAY CONCERN: The following application has been submitted for a Department of the Army Permit under the provisions of Section 404 of the Clean Water Act (33 U.S.C. 1344).
2. APPLICANT: Buffalo Coal Company, Inc.
32 Enterprise Drive
Oakland, MD 21550
3. LOCATION: in upland and wetlands adjacent to a tributary to Stony River and Helmick Run in Union District, Grant County, West Virginia
4. PURPOSE AND DESCRIPTION OF WORK: The applicant has proposed to surface mine bituminous coal at the approximate 300-acre C-1 North Surface Mine Expansion. The site is located along the Allegheny Front south of Mount Storm Lake and northeast of the Stoney River Dam. Surface drainage from the western portion of the site flows to the Stoney River. The drainage from the eastern part flows to Helmick Run. Stream flow in the above two drainageways will not be impacted by the mining operation. Both drainageways are within the Northern Potomac River Watershed. Three substantial wetland complexes have been identified in the proposed permit area. The largest wetland is located in Area A, along the northwestern side of the site above the Stoney River. Area B contains the northernmost wetland. A smaller linear wetland, occupies Area C, near the southeastern corner of the project site. Area D, immediately east of the above area, contains two very small wetlands, which extend eastward off-site. This project would result in the excavation and removal of soils from a total of 65.99 acres of wetland. The hydric soils and wetland vegetation from the wetlands will be temporarily stockpiled in advance of the mining operation. As surface mining proceeds, reclamation of the disturbed areas would follow. The site would then be returned to approximate original contours, which includes the re-establishment of the tributary streams and wetlands. With completion of the final grading plan, the stockpiled wetland materials would be replaced to restore the wetlands. The wetland mitigation replacement ratio for this project would be at a minimum of 1:1 or acre for acre replacement

for the impacted 65.99 acres. As part of the proposed mitigation plan, the applicant may also purchase areas of undisturbed wetlands, which could be utilized as part of the mitigation plan, at a minimum ratio of 10:1 for preservation. Drawings of the proposed project are attached to this notice.

5. WEST VIRGINIA CERTIFICATION: This permit decision will not be made until the State of West Virginia, Division of Environmental Protection (WVDEP), issues, denies, or waives State Certification. This public notice does not serve as application to the WVDEP for certification required by Section 401 of the Clean Water Act. The applicant must apply directly to the WVDEP for individual water quality certification. The WVDEP will also consider whether or not the proposed activity will comply with sections 301, 302, 303, 306, 307 of the Clean Water Act or any other appropriate State laws. Any person wishing to comment, provide information, and/or request a public hearing concerning certification for this project should write to the:

West Virginia Department of Environmental Protection
Division of Water Resources
Environmental & Regulatory Affairs
1560 Kanawha Blvd. E.
Charleston, West Virginia 25311-1088
Telephone: 304-558-6649

Re: Public Notice CELRP-OR-F No. 03-44

6. IMPACT ON NATURAL RESOURCES: The District Engineer has consulted the most recently available information and has determined that the project is not likely to affect the continued existence of any endangered species or threatened species, or result in the destruction or adverse modification of habitat of such species which has been determined to be critical. This Public Notice serves as a request to the U. S. Fish and Wildlife Service for any additional information they may have on whether any listed or proposed to be listed endangered or threatened species may be present in the area which would be affected by the activity, pursuant to Section 7(c) of the Endangered Species Act of 1972 (as amended).

7. IMPACT ON CULTURAL RESOURCES: The National Register of Historic Places has been consulted, and it has been determined that there are no properties currently listed on the register which would be directly affected by the proposed work. If we are made aware, as a result of comments received in response to this notice, or by other means, of specific archeological, scientific, prehistorical, or historical sites or structures which might be affected by the proposed work, the District Engineer will immediately take the appropriate action necessary pursuant to the National Historic Preservation Act of 1966 - Public Law 89-665 as amended (including Public Law 96-515).

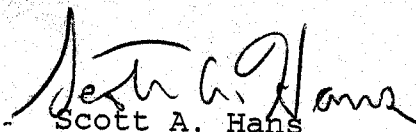
8. PUBLIC INVOLVEMENT: Any person may request, in writing, within the comment period specified in the paragraph below entitled "RESPONSES," that a public hearing be held to consider this application. The requests for public hearing shall state, with particularity, the reasons for holding a public hearing.

9. EVALUATION: Interested parties are invited to state any objections they may have to the proposed work. The decision whether to issue a permit will be based on an evaluation of the probable impact including cumulative impacts of the proposed activity on the public interest. That decision will reflect the national concern for both protection and utilization of important resources. The benefit which reasonably may be expected to accrue from the proposals must be balanced against its reasonably foreseeable detriments. All factors which may be relevant to the proposal will be considered including the cumulative effects thereof; among those are conservation, economics, aesthetics, general environmental concerns, wetlands, historic properties, fish and wildlife values, flood hazards, flood plain values, land use, navigation, shoreline erosion and accretion, recreation, water supply and conservation, water quality, energy needs, safety, food and fiber production, mineral needs, considerations of property ownership and, in general, the needs and welfare of the people. The Corps of Engineers is soliciting comments from the public; Federal, state, and local agencies and officials; Indian Tribes; and other interested parties in order to consider and evaluate the impacts of this proposed activity. Any comments received will be considered by the Corps of Engineers to determine whether to issue, modify, condition or deny a permit for this proposal. To make this decision, comments are used to assess impacts on endangered species, historic properties, water quality, general environmental effects, and the other public interest factors listed above. Comments are used in the preparation of an Environmental Assessment and/or an Environmental Impact Statement pursuant to the National Environmental Policy Act. Comments are also used to determine the overall public interest of the proposed activity. The evaluation of the impact of the activity on the public interest will include application of the guidelines promulgated by the Administrator, Environmental Protection Agency, under the authority of Section 404(b) of the Clean Water Act (40 CFR Part 230).

10. RESPONSES: A permit will be granted unless its issuance is found to be contrary to the public interest. Written statements concerning the proposed activity should be received in this office on or before the closing date of this Public Notice in order to become a part of the record and to be considered in the final determination. Any objections which are received during this period may be forwarded to the applicant for possible resolution before the determination is made whether to issue or deny the requested DA Permit. All responses to this notice should be directed to the Regulatory Branch, attn Richard Sobol,

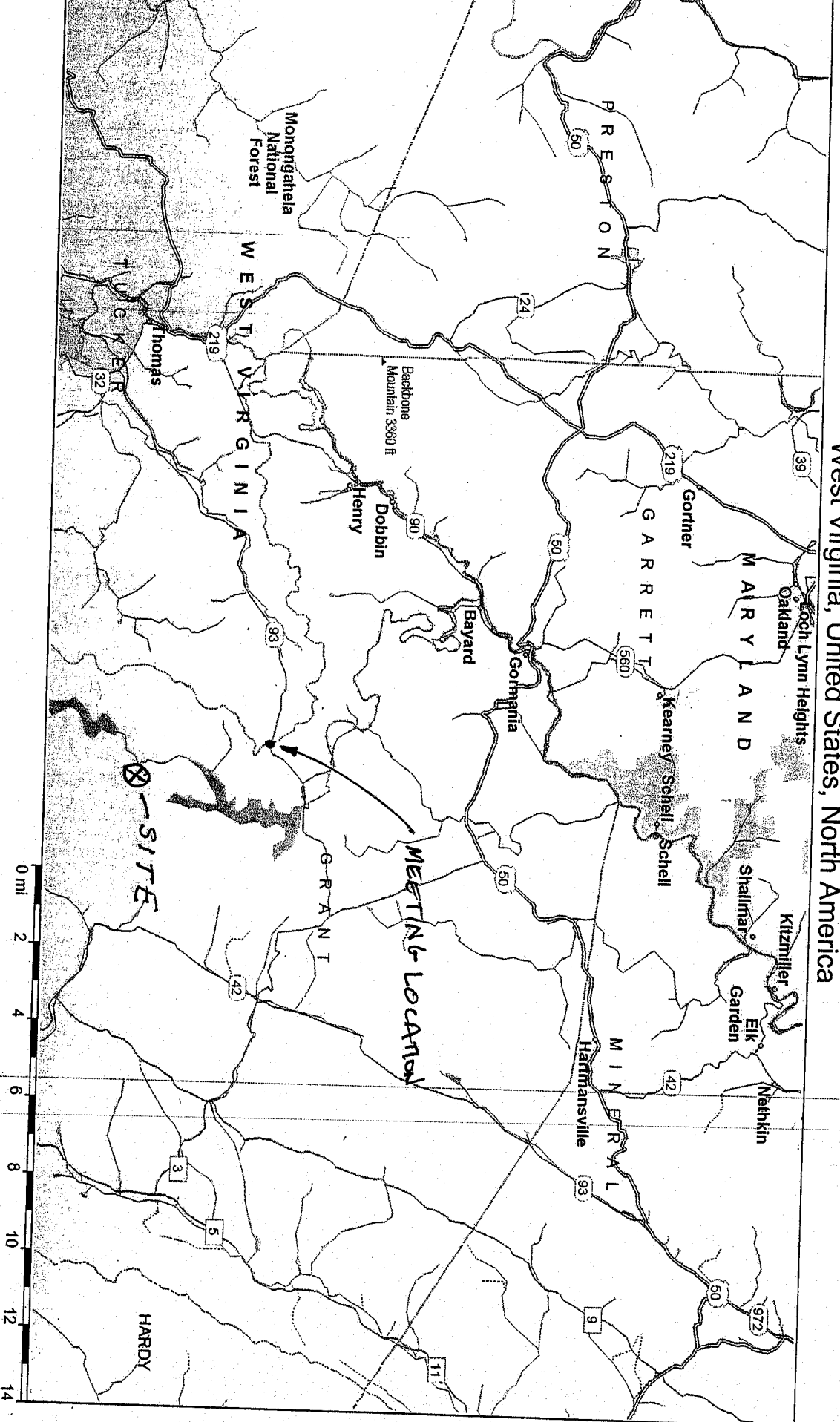
at the above address, by telephoning (412) 395-7153, or by e-mail
at richard.sobol@usace.army.mil Please refer to CELRP-OR-F
200300907 in all responses.

FOR THE DISTRICT ENGINEER:



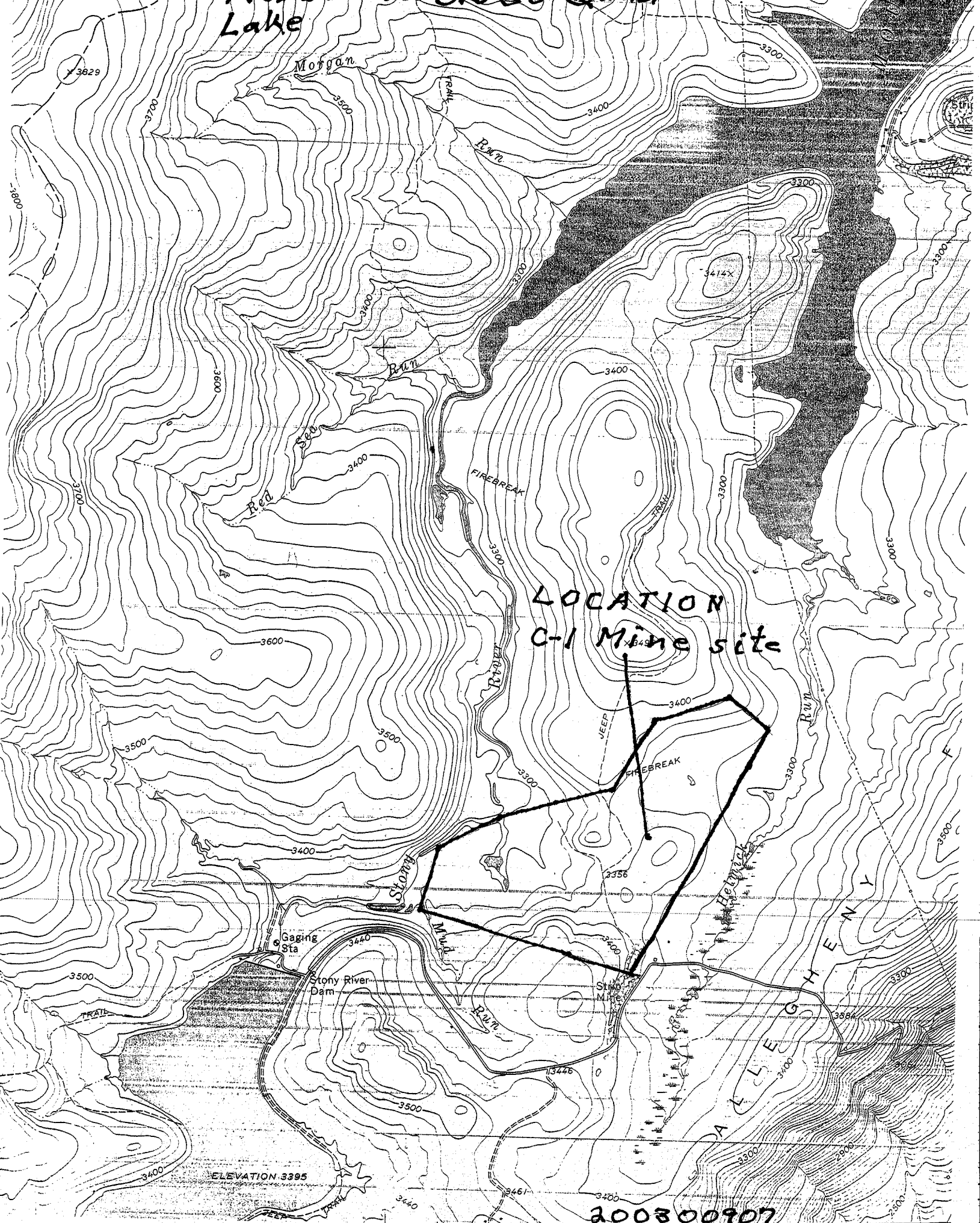
Scott A. Hans
Chief, Regulatory Branch

West Virginia, United States, North America



Vicinity MAP

200300707



Lake

Morgan

Run

Run

Run

Red

FIREBREAK

LOCATION
C-1 Mine site

FIREBREAK

JEEP

Gaging
Sta

Stony River
Dam

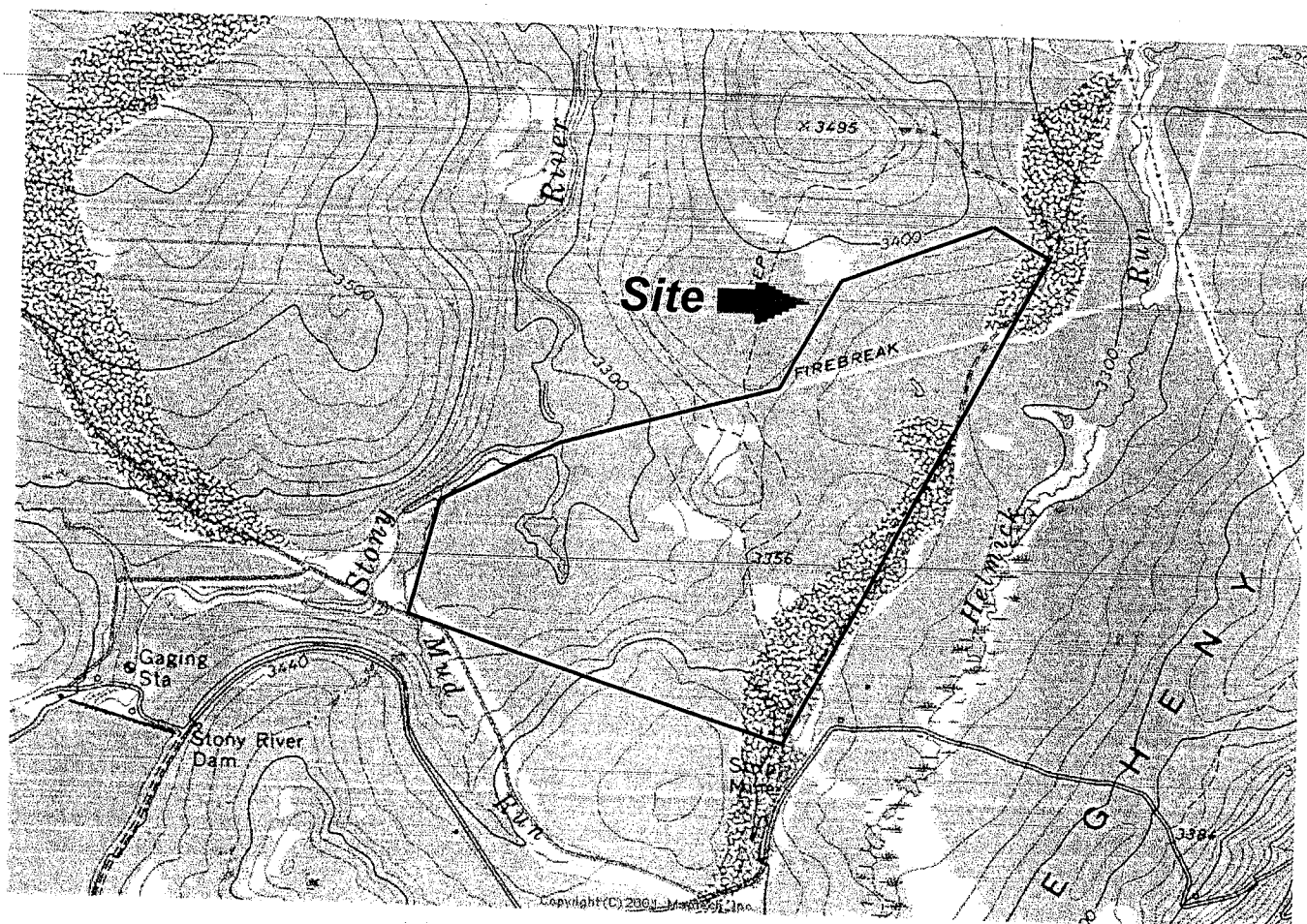
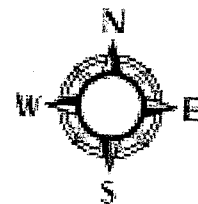
Stony
Mine

Helicopter

P A L E I G H E N Y

ELEVATION 3395

200300907



7.5-Minute Series USGS Topographic Map
Mount Storm Lake, WV Quadrangle, 1967,
Photorevised 1981

Approximate scale 1"=2,000'

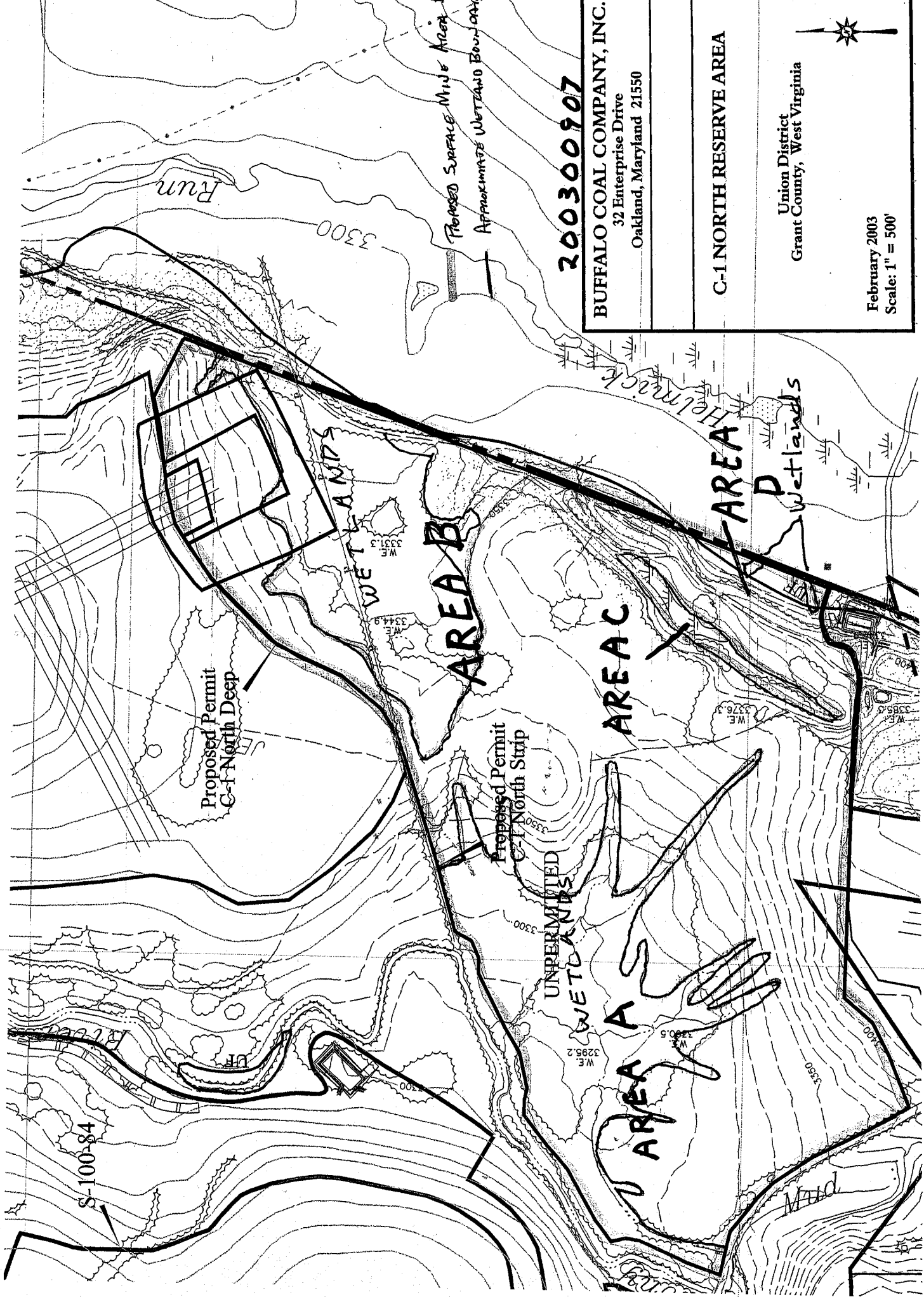
TRIAD
Triad Engineering, Inc.

Site Vicinity Map

200300907

Plate No.

A-1



200300907

BUFFALO COAL COMPANY, INC.

32 Enterprise Drive

Oakland, Maryland 21550

C-1 NORTH RESERVE AREA

Union District
Grant County, West Virginia

February 2003
Scale: 1" = 500'